

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

Claims 1-2 and 4-8 were pending prior to the Office Action. Claims 9-19 have been added through this Reply. Therefore, claims 1-2 and 4-19 are pending. Claims 1, 8, and 11 are independent.

§ 103 REJECTION – MIYAWAKI

Claims 1-2, 4, and 6-8 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Miyawaki et al. (USP 6,522,360). *See Office Action, items 2-3.* Applicants respectfully traverses.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142.* One requirement to establish *prima facie case* of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j).* Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, independent claim 1 recites, in part “wherein an area of the focusing zone is dynamically selectable anywhere within the image.” Independent claim 8 recites a similar feature. It will be demonstrated that Miyawaki cannot be relied upon to teach or suggest at least this feature.

In the Office Action, the Examiner specifically relied upon the combined teachings of the fourth embodiment (as illustrated in Figures 8-10) and the sixth embodiment (as disclosed in Figures 13 and 14) of Miyawaki to allegedly teach the features of the claim as recited. Regarding the fourth embodiment, Miyawaki discloses that the image displayed is divided into a predetermined number of selectable focus detecting areas. *See Figure 9; column 9, lines 49-54.* While Figure 9 shows that the number of selectable areas is six, this number may be more than or less than six areas. *See column 11, lines 59-63.* Miyawaki discloses that the user may choose any one of the predetermined selectable areas for focusing purposes. *See column 9, lines 23-25.*

Thus, it is clear that Miyawaki discloses dividing up the display into a predetermined number of selectable areas. Because the areas to be selected are predetermined, Miyawaki fails to teach or suggest the above-recited feature of dynamically selecting the area of the focusing zone. Figure 17 of the present application illustrates an example of this capability to select the focusing zone anywhere within the image.

The sixth embodiment of Miyawaki merely discloses that the image within the focusing zone may be displayed on the LCD 109 in a multi-window display format. *See column 13, lines 18-27.* Thus, combining the fourth and the sixth embodiments would merely indicate that the image of the selected predetermined area may be displayed as an overlay to the entire image.

Combining the two embodiments cannot teach or suggest the feature as recited above.

Indeed, the entirety of the Miyawaki patent is silent regarding the ability to dynamically select a focusing zone. Moreover, to the extent that Miyawaki only discloses providing a predetermined number of selectable areas, it actually teaches away from the above-recited feature. Therefore, independent claims 1 and 8 are distinguishable over Miyawaki.

Claims 2, 4, and 6-7 depend from independent claim 1 directly or indirectly. Therefore, for at least the reasons stated above with respect to claim 1, these dependent claims are also distinguishable over Miyawaki.

Applicant respectfully requests that the rejection of claims 1-2, 4 and 6-8 based on Miyawaki be withdrawn.

§ 103 REJECTION – MIYAWAKI, SUZUKI

Claim 5 stands rejected under 35 USC 103(a) as allegedly being unpatentable over Miyawaki in view of Suzuki (USP 6,111,605). *See Office Action, item 4.* Applicant respectfully traverses.

It is noted that claim 5 depends from independent claim 1. It has been shown above that independent claim 1 is distinguishable over Miyawaki. Suzuki has not been, and indeed cannot be, relied upon to correct for at least the above-noted deficiencies of Miyawaki. Therefore, independent claim 1 is

distinguishable over the combination of Miyawaki and Suzuki. For at least due to the dependency thereon, claim 5 is also distinguishable over the combination of Miyawaki and Suzuki. Therefore, applicant respectfully requests that the rejection of claim 5 based on Miyawaki and Suzuki be withdrawn.

NEW CLAIMS

Claims 9-19 have been added through this Reply. All new claims are believed to be distinguishable over the cited references, individually or in any combination. Applicant respectfully requests that new claims 9-19 be allowed.

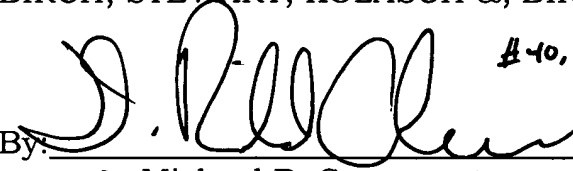
CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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